

FILED

July 28 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0128

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

STEVEN L. RODRIGUEZ,

Defendant and Appellant.

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Jennifer A. Hurley, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until September 6, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 28th day of July, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: 

JENNIFER A. HURLEY
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Jennifer A. Hurley, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.

2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.

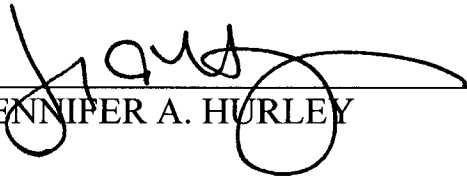
3. The Appellant's brief was first due on July 8, 2009. The brief is presently due on August 6, 2009. This is Appellant's second request for an extension.

4. Counsel is currently working on the above-captioned matter. Additionally, counsel is working on the opening brief in *State v. Dalton*, DA 10-0042, due August 18, 2010. Counsel also has an opening brief in *State v. Nigro*, DA 09-0676, due on August 25, 2010. Counsel recently filed an opening brief in *State v. Norquay*, DA 10-0016, a homicide conviction after a lengthy jury trial.


5. In light of the current workload, counsel cannot complete the briefing and consult with the client in time to file the brief in a timely manner. Counsel will work diligently to complete the matter in the time requested.

6. Opposing counsel has been contacted concerning this motion and does not object.

7. Further your affiant sayeth naught.


JENNIFER A. HURLEY

SUBSCRIBED AND SWORN to before me this 28th day of
July, 2010.


Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

FRED R. VAN VALKENBURG
Missoula County Attorney
200 West Broadway
Missoula, MT 59802

STEVEN L. RODRIGUEZ 40253
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: _____

July 28th, 2010 